

number 09/184,938 filed on November 3, 1998 were incorporated by reference. Because figures 1-6 were a part of prior Application number 09/184,938, now US Patent No. 6,262,231, the submission of figures 1-6 does not constitute new matter. See *In re Hawkins*, 179 USPQ 157 (CCPA 1973), *In re Hawkins*, 179 USPQ 163 (CCPA 1973), and *In re Hawkins*, 179 USPQ 167 (CCPA 1973). Accordingly, the application and the figures should be accorded the filing date of November 3, 1998, the same date as that of the parent, 09/184,938. Attached to this amendment, please find a declaration by the Applicants' representative affirming that figures 1-6 do not constitute new matter.

Applicants wish to maintain the filing date of June 4, 2001 for this application in accordance with paragraph III of the Notice to Comply.

Alternatively, there is complete and unequivocal support for the submitted figures 1-6 in the written description on page 6, line 24 to page 7, line 12. Accordingly, no new matter has been incorporated.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *Gerald M. Murphy, Jr.* (6/10/49, 002)
Gerald M. Murphy, Jr., #28,977

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

GMM/MAA/CAV
2761-0147P

Attachments: Figures 1-6
Declaration